

## **Arizona Medical Marijuana Program Frequently Asked Questions**

### **Cities and Towns**

#### **CT01: I heard that you are using a two-step process to issue dispensary licenses. What does that mean?**

The Department has established an application process to reduce the financial burden on persons who want to open a dispensary and on local jurisdictions. To obtain a dispensary registration certificate, a person would apply for one of the limited number of dispensary registration certificates with an address for the proposed dispensary that is at a location that complies with local zoning requirements. The applicant would also have to show that the location meets local zoning requirements. Only those that successfully obtain a dispensary registration certificate would be required to demonstrate that the dispensary complies with all dispensary requirements including obtaining whatever approvals are required by the local jurisdiction before submitting a request to the Department for an approval to operate the dispensary. Before the Department issues an approval to operate the dispensary, the Department will conduct an on-site inspection to ensure that the dispensary complies with all applicable requirements.

#### **CT02: I see that applicants for a dispensary registration certificate have to attest they are in accordance with local zoning regulations for their application. Will applicants need something from the city or town beyond the language in our zoning regulations?**

An applicant is required to submit documentation from a city or town that there are no local zoning restrictions or that the proposed location for the dispensary complies with local zoning restrictions with an application for a dispensary registration certificate.

#### **CT03: Our city requires a special or conditional use permit before a dispensary opens. Will applicants need a special or conditional use permit in order to get a registration certificate? Will they need it to get their Operating License approval? What about a Certificate of Occupancy?**

An applicant does not need to submit a special or conditional use permit from a city or town with an application for a dispensary registration certificate. The applicant is required to submit documentation from a city or town that the proposed dispensary location complies with any zoning restrictions. A city or town may require a special or conditional use permit for the proposed dispensary location before issuing documentation of compliance with local zoning restrictions. Check with your city or town for local requirements.

#### **CT04: We're a small city with limited staff. What will be the best approach for us, consider special use permits from applicants before they apply to the department or wait and accept special use permit applications after a dispensary receives a**

**registration certificate from the ADHS?**

The Department anticipates receiving many more applications for dispensary registration certificates than the number of certificates that will be available. Only those applicants that receive a dispensary registration certificate are required by the Department to obtain and submit documentation of the local jurisdictions approval to occupy and use a building as a dispensary, from their city or town. Therefore, a city or town can minimize its workload by considering applications from and issuing special use permit or a certificate of occupancy to only those persons who successfully obtain a dispensary registration certificate.

**CT05: How long does a registration certificate holder have to get his operating license? What happens if a year passes and the dispensary doesn't have an operating license?**

A person with a dispensary registration certificate is required to apply for renewal of the dispensary registration certificate at least 60 days before the current certificate expires. A dispensary must submit a copy of the approval to operate as part of the renewal package. If a dispensary still has not obtained an approval to operate before the expiration of the certificate, the certificate will not be renewed. The individuals who held that dispensary certificate may not be allowed to apply to operate another dispensary.

**CT06: If we turn down a Registration Certificate holder on the special or conditional use permit, what happens next? Can they move to a different address and apply again using the same registration certificate?**

A dispensary registration certificate is good only for the dispensary location in the CHAA for which the certificate was awarded. A dispensary whose special or conditional use permit has been turned down for a dispensary at the location on the certificate may submit a request to ADHS for a change to another location in the CHAA and obtain an amended dispensary registration certificate. After the applicant receives the certificate with a new location from ADHS, the next step is to apply for the special or conditional use permit at that location.

**CT07: We're a rural community in a big CHAA. If nobody gets a registration certificate in the initial phase, does that mean we'll never get a dispensary?**

In future years, the selection process for awarding a dispensary registration certificate will give priority first to counties without a dispensary, then to CHAAs without a dispensary. If the state still has fewer dispensaries than [state law](#) allows, ADHS will consider dispensary applications for a location in a CHAA that already has a dispensary.

**CT08: How much will it cost to apply for a registry identification card or a dispensary registration certificate?**

The fees are listed in rules and include:

- \$150 for an initial or a renewal registry identification card for a qualifying patient. Some qualifying patients may be eligible to pay \$75 for initial and renewal cards if they currently participate in the Supplemental Nutrition Assistance Program.

- \$200 for an initial or a renewal registry identification card for a designated caregiver. A caregiver must apply for a new card for every patient under their care (up to five patients).
- \$500 for an initial or a renewal registry identification card for a dispensary agent.
- \$5,000 for an initial dispensary registration certificate.
- \$1,000 for a renewal dispensary registration certificate.
- \$2,500 to change the location of a dispensary or cultivation facility.
- \$10 to amend, change, or replace a registry identification card.

**CT09: When can a city or town request reassignment of a dispensary registration certificate allocation from one CHAA to another?**

A city or town may request that the Department reassign a CHAA's dispensary registration certificate allocation from one CHAA to another CHAA only if:

- the city or town is in more than one CHAA;
- the city or town has not made a prior request for reassignment of a dispensary registration certificate allocation; and
- the only areas in the CHAAs that are not controlled by the city or town are under the jurisdiction of a county.

**CT10: What happens if a city or town has requested the reassignment of a dispensary registration certificate allocation from one CHAA to another CHAA and the Department receives a dispensary registration certificate application for a location in unincorporated land in the first CHAA?**

If a city or town has requested the reassignment of a dispensary registration certificate allocation from one CHAA to another CHAA and the Department receives one or more applications for a dispensary to be located in an unincorporated area of the first CHAA, the Department will:

- reassign the dispensary registration certificate allocation from the first CHAA to the second CHAA and award up to two certificates in the second CHAA; and
- also award a certificate for a dispensary to be located in the unincorporated area of the first CHAA.